

(4:12cv00186)

PEARSON, J.

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF OHIO  
EASTERN DIVISION

JAVIER CASTILLO-DeLEON,	)	
	)	CASE NO. 4:12CV00186
Petitioner,	)	
	)	
v.	)	JUDGE BENITA Y. PEARSON
	)	
DIRECTOR OF THE FEDERAL BUREAU	)	
OF PRISONS,	)	
	)	
Respondent.	)	<b><u>ORDER</u></b>

Before the Court is *pro se* Petitioner Javier Castillo-DeLeon's Petition for Writ of Habeas Corpus filed pursuant to [28 U.S.C. § 2241](#). [ECF No. 1](#). The Court initially reviewed the matter and dismissed the Petition, in part, vis-a-vis a Memorandum of Opinion and Order<sup>1</sup> filed on September 24, 2012. [ECF No. 4](#). Specifically, the Court rejected Castillo-DeLeon's claims that: (1) he is entitled to [18 U.S.C. § 3585](#) credit for the period in which he was also credited for the service of his state probation violation sentence ([ECF No. 4 at 5-6](#)); (2) his sentence commencement date should be January 2, 2009, the date he was taken into official custody, instead of August 31, 2010, the date he was sentenced ([ECF No. 4 at 6-7](#)); and (3) he is entitled to a *nunc pro tunc* designation for partial service of his federal sentence. [ECF No. 4 at 7-8](#). With respect to Castillo-DeLeon's remaining claim, namely, that he was improperly awarded only 365 days of jail-time credit even though National Inmate Appeals Administrator Harrell Watts had determined he was entitled to § 3585 credit for the period from February 16, 2009, to August 30,

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<sup>1</sup> The September 24, 2012 Memorandum of Opinion and Order contains a recitation of the relevant procedural facts at [ECF No. 4 at 2-4](#).

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2010 ([ECF No. 4 at 4](#)), the Court ordered Respondent to show cause why a Writ of Habeas Corpus should not consequently issue. [ECF No. 4 at 8-9](#).

On October 29, 2012, Respondent filed a Response together with the declaration of Dennis Melick, a management analyst at the Designation and Sentence Computation Center located in Grand Prairie, Texas. [ECF Nos. 9](#) and [9-1](#). Respondent acknowledged that it had made an error in the computation of Castillo-DeLeon's jail-time credit. Respondent stated that Appeals Administrator Watts indeed had determined that Castillo-DeLeon was entitled to credit from February 16, 2009, to August 30, 2010, and, therefore, Watts and the Bureau of Prisons (BOP) incorrectly indicated that Castillo-DeLeon was entitled to only 365 days of credit. [ECF No. 9 at 6](#). Consequently, Respondent takes the position that the Petition should be granted, in part, to allow Castillo-DeLeon to receive 561 days of jail-time credit. [ECF No. 9 at 6](#).

Based on the foregoing, the Petition for Writ of Habeas Corpus is GRANTED IN PART, to the extent that Castillo-DeLeon shall be entitled to 561 days of jail-time credit. As set forth in the Court's September 24, 2012 Memorandum of Opinion and Order, the Petition for Writ of Habeas Corpus is otherwise DISMISSED. A hearing on the matter is not necessary.

IT IS SO ORDERED.

October 30, 2012  
Date

/s/ Benita Y. Pearson  
Benita Y. Pearson  
United States District Judge